

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15257 of 2016

=====

Pramod Kumar Singh Son of Late Faudi Singh resident of Village- Gopalpur,
Post Office- Surajgarha, Police Station- Manikpur, District- Lakhisarai.
Presently posted as Headmaster, Primary School, Naya Tola, Salempur,
Surajgarha, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director, Primary Education, Bihar, Patna.
3. The Regional Deputy Director of Education, Munger Division, Munger.
4. The District Education Officer, Lakhisarai.
5. The District Programme Officer, Education Department Establishment, Lakhisarai.
6. The Block Education Officer, Surajgarha.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Dharmendra Kumar Raju
For the Respondent/s	:	Mr. Subhash Chandra Mishra- Sc16
	:	Mr. Pramod Kumar Singh (Ac to Sc16)

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 07-05-2024 1. The petitioner has filed the present writ application for considering his case for promotion as graduate Arts Teachers with effect from 16.07.2016 i.e., from the date juniors to the petitioner were granted promotion with consequential benefits.
2. Learned counsel for the petitioner submits that the petitioner was initially appointed on 28.11.1986 as matric untrained teacher in Middle School, Kutha, Block- Barahiya, District Munger. He passed the teachers training examination in the year 1991-92 and thereafter,



the petitioner was given the financial benefit of matric trained teacher. The petitioner completed graduation and as per the policy of the respondents, he was entitled to be promoted in the graduate trained scale. Under Memo No. 590 dated 04.05.2006, the District Programme Officer, Establishment, Education Department, Lakhisarai directed all the Block Education Officers to collect the applications from the matric trained teachers with requisite testimonials who have passed graduation in Arts/Science for the purpose of promotion to such teachers.

3. In view of the aforesaid letter, the petitioner has submitted the application in prescribed format on 13.05.2016 with requisite testimonials and documents in the office of Block Resource Center (B.R.C.) however, the case of the petitioner for promotion was not considered and vide Memo No. 995 dated 16.07.2016, twenty four matric trained teachers including junior to the petitioner were given promotion ignoring the claim of the petitioner. The name of the petitioner does not find in the order of promotion dated 16.07.2016.
4. Learned counsel for the State submits that the petitioner



did not file the requisite testimonials/documents pursuant to the letter issued by the District Programme Officer, Establishment, for purpose of promotion.

5. I have heard learned counsel for the parties and have gone through the materials on record. From perusal of the Annexure 3, it appears that the details of the petitioner along with the testimonials was received before the cut off date in the office of B.R.C. on 13.05.2016 whereas the date for submission of all the documents by the teachers for promotion was fixed by 15.05.2016. It is an admitted position that juniors to the petitioner have been promoted vide notification dated 16.07.2016. The only contention of the respondent/State is that the petitioner might have submitted the documents after the cut off date and the date of receiving mentioned in Annexure 3 at B.R.C. may be an afterthought.
6. Be that as it may, the claim of the petitioner is that his juniors were promoted in a B.A. trained scale with effect from 2016 leaving behind the petitioner. It is specific case of the petitioner that he was entitled to be considered for promotion along with his juniors in 2016 itself, accordingly, I direct the respondent no. 4 to consider the



case of the petitioner for promotion after calling the relevant documents from the petitioner with effect from the date the juniors of the petitioner were promoted. The necessary decision in accordance with law shall be taken by the District Education Officer within a period of three months from the date of receipt/production of a copy of this order.

7. Accordingly, the present writ application is disposed with the aforesaid direction.

(Anil Kumar Sinha, J)

HarshPandey/-

U			
---	--	--	--

